

400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343 - Telephone
(516) 742-4366 - Facsimile
E-mail: Info@ssmp.com

**SCULLY, SCOTT, MURPHY
& PRESSER, P.C.**

RECEIVED

MAR 26 2008

PCT LEGAL
ADMINISTRATION

Fax

To: Attn: Richard Ross

From: Edward W. Grolz

Fax: 571-273-0459

Pages: 5 (Including cover page)

Phone:

Date: March 26, 2008

Re: Roland Belser
U.S. Patent Appln. No. 10/578,814
Our Docket: 19715

CC:

**SUPPLEMENTAL RESPONSE TO NOTIFICATION OF
ABANDONMENT TOGETHER WITH PETITION UNDER 37
C.F.R. SECTION 1.182**

Please see the attached.

Authorization to charge deposit account \$ 400.00 for Petition Fee.

Applicant: Roland Belser
Serial No.: 10/578,814
For: AXIAL PISTON MACHINE
Filed: May 4, 2006
Docket: 19715
Dated: March 26, 2008

EWG:me

CONFIDENTIALITY: The documents accompanying this facsimile transmission may contain information which is either confidential or legally privileged and is intended only for the authorized use of the individual or entity named above without right or publication or republication, dissemination or disclosure except as expressly set forth or established by course of dealing. All rights are reserved. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the contents of this facsimile is prohibited. If you received this transmission in error, please notify us immediately by telephone to arrange for return of the documents.

If you have any problems concerning this facsimile, please call (516) 742-4343 and ask for Michella Ebume.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant:** Roland Belser**Examiner:** Unassigned**Serial No.:** 10/578,814**Art Unit:** Unassigned**Filed:** May 4, 2006**Docket:** 19715**For:** AXIAL PISTON MACHINE**Dated:** March 26, 2008

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Attn: Richard Ross

**SUPPLEMENTAL RESPONSE TO NOTIFICATION OF ABANDONMENT
TOGETHER WITH PETITION UNDER 37 C.F.R. SECTION 1.182**

Sir:

Pursuant to a telephone conversation with Richard Ross, this is a supplemental response to the Notification of Abandonment dated December 18, 2007 regarding the above-identified application. Said Notification indicated that the subject application was abandoned for failure to respond to the Notification of Missing Requirements mailed on March 13, 2007. Applicant respectfully submitted in a paper dated January 18, 2008 that a response to said Notification of Missing Requirements was filed. In support of this, a copy of said response, timely filed on April 5, 2007, together with a copy of a postcard stamped by the United States Patent and Trademark

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to (571)-273-8300 at the Patent and Trademark Office on the date shown below.

Dated: March 26, 2008

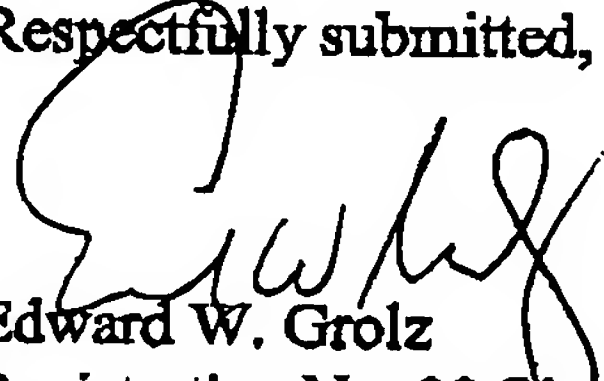

Edward W. Grolz

Office acknowledging its receipt was provided with said paper.

Based on the conversation had with Mr. Ross on March 25, 2008, it was found that the transmittal letter which accompanied the initial response to the Notification of Missing Requirements incorrectly identified the subject application as U.S. Serial No. "10/578,414" instead of the correct number, i.e. "10/578,814". As a consequence of this error, the papers were placed in the wrong file and were never matched up with the correct application, thus leading to the Notice of Abandonment.

Applicant hereby petitions under 37 C.F.R. 1.182 to have the prior filed papers be accepted as having been timely filed, especially in lieu of the fact that the declaration accompanying the filed response correctly identified the subject application and the error found on the transmittal letter was obvious in nature. The petition fee of \$400.00 required in connection with this petition may be charged to our Deposit Account No. 19-1013/SSMP. A duplicate of this sheet is enclosed.

Respectfully submitted,


Edward W. Grolz
Registration No. 33,705

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza – Suite 300
Garden City, New York 11530
(516) 742-4343

EWG:me

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant:** Roland Belser**Examiner:** Unassigned**Serial No.:** 10/578,814**Art Unit:** Unassigned**Filed:** May 4, 2006**Docket:** 19715**For:** AXIAL PISTON MACHINE**Dated:** March 26, 2008

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Attn: Richard Ross

**SUPPLEMENTAL RESPONSE TO NOTIFICATION OF ABANDONMENT
TOGETHER WITH PETITION UNDER 37 C.F.R. SECTION 1.182**

Sir:

Pursuant to a telephone conversation with Richard Ross, this is a supplemental response to the Notification of Abandonment dated December 18, 2007 regarding the above-identified application. Said Notification indicated that the subject application was abandoned for failure to respond to the Notification of Missing Requirements mailed on March 13, 2007. Applicant respectfully submitted in a paper dated January 18, 2008 that a response to said Notification of Missing Requirements was filed. In support of this, a copy of said response, timely filed on April 5, 2007, together with a copy of a postcard stamped by the United States Patent and Trademark

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to (571)-273-8300 at the Patent and Trademark Office on the date shown below.

Dated: March 26, 2008

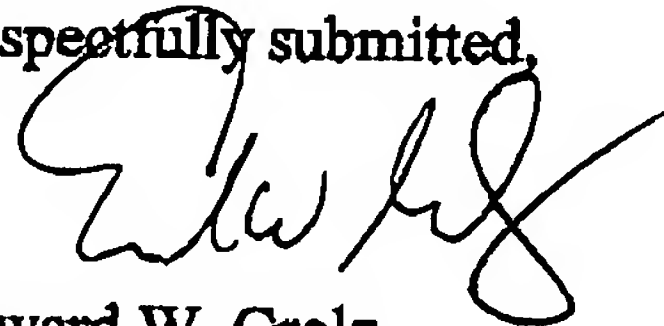

Edward W. Grolz

Office acknowledging its receipt was provided with said paper.

Based on the conversation had with Mr. Ross on March 25, 2008, it was found that the transmittal letter which accompanied the initial response to the Notification of Missing Requirements incorrectly identified the subject application as U.S. Serial No. "10/578,414" instead of the correct number, i.e. "10/578,814". As a consequence of this error, the papers were placed in the wrong file and were never matched up with the correct application, thus leading to the Notice of Abandonment.

Applicant hereby petitions under 37 C.F.R. 1.182 to have the prior filed papers be accepted as having been timely filed, especially in lieu of the fact that the declaration accompanying the filed response correctly identified the subject application and the error found on the transmittal letter was obvious in nature. The petition fee of \$400.00 required in connection with this petition may be charged to our Deposit Account No. 19-1013/SSMP. A duplicate of this sheet is enclosed.

Respectfully submitted,



Edward W. Grolz
Registration No. 33,705

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza - Suite 300
Garden City, New York 11530
(516) 742-4343

EWG:me